Quarterly Report

OF THE

ATTORNEY GENERAL

OF

ALABAMA

FOR THE PERIOD

FROM JULY 1, 1978
THROUGH SEPTEMBER 30, 1978

WILLIAM J. BAXLEY, Attorney General

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MONTGOMERY, ALABAMA

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QUARTERLY REPORT

of the

ATTORNEY GENERAL

of

ALABAMA

For the Period

From July 1, 1978

Through September 30, 1978

TO THE STATE, COUNTY, AND MUNICIPAL OFFICERS OF ALABAMA:

This Quarterly Report of the Attorney General of Alabama, which includes all official opinions rendered by the Attorney General from July 1, 1978 through September 30, 1978, is published in compliance with the provisions of Title 55, Section 228 Code of Alabama, 1940.

Under this section of the Code, I am required to send seven copies of this Quarterly Report to each judge of probate in the State, and the judge of probate, in turn, is required to deliver one copy each to the clerk of the circuit court, the sheriff, the tax collector, the tax assessor, the county superintendent of education, and the deputy district attorney of his county. The section also requires that I send a copy of this report to each district attorney and the chief executive officer of each incorporated municipality in the State.

The office of the Attorney General is anxious to render prompt and efficient service to the State, County, and municipal officials. If you have any suggestions to make regarding the improvement of the service, I shall be glad to hear from you.

Sincerely,

WILLIAM J. BAXLEY

Attorney General

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July 6, 1978

Mrs. Ruth Parker, Chairman
Blount County Board of Registrars
Route 3, Box 346
Oneonta, Alabama 35121

DISQUALIFICATION FROM VOTING—BY CONVICTION OF CRIME

Persons convicted of inciting a felony under the Code of Ala. 1975, §13-9-41 are disqualified from voting by the Code of Ala. 1975, §17-3-3.

Opinion by Assistant Attorney General Ward.

Dear Mrs. Parker:

This office is in receipt of your letter of April 3, 1978, requesting an opinion on the following question:

> "Should those persons convicted of inciting to commit a felony be stricken from the voting list under the Code of Ala. 1975, §17-3-3?"

Under the Code of Ala., §13-9-4 any person who incites to a felony shall be imprisoned in the penitentiary for not less than one nor more than ten years. The Code of Ala. 1975, §17-3-3 lists those persons disqualified from registering and voting. Included in this list are those persons convicted of any crime punishable by imprisonment in the penitentiary.

Persons convicted of crimes punishable by imprisonment in the penitentiary are barred from voting by the Code of Ala. 1975, §17-3-3. Inciting to commit a felony is punishable by imprisonment in the State penitentiary, and therefore; persons convicted of inciting to commit a felony should be stricken from the poll list.

I hope this satisfactorily answers your question. If not, please do not hesitate to contact us.

Very truly yours,

WILLIAM J. BAXLEY
Attorney General

July 7, 1978

Mr. Fred B. Simpson, District Attorney
Office of the District Attorney
Madison County Court House
Huntsville, Alabama 35801

SUNDAY CONTRACTS—VALID AT COMMON LAW

Contracts made on Sunday in Alabama are valid under the present laws of the State.

Opinion by Assistant Attorney General James S. Ward.

Dear Mr. Simpson:

This office is in receipt of your letter of March 21, 1978, requesting an opinion on the following question:

> "Whether or not contracts made on Sunday are legal and valid under the present laws of Alabama?"

The former Code of Ala. 1940, Title 9, §21 declared contracts made on Sunday null and void; however, this provision was omitted from the present Code of Ala. 1975, so the common law of England is now the present law of Alabama as regarding the validity of contracts made on Sunday. The Code of Ala. 1975 §1-3-1 provides:

> "The common law of England; so far as it is not inconsistent with the Constitution, laws, and institutions of this state, shall, together with such institutions and laws, be the rule of decisions, and shall continue in force, except as from time to time it may be altered or repealed by the legislature . . ."

Callwood v. Callwood, 129 F. Supp. 582 (D.C. Virgin Islands 1955) and **Swann v. Swann,** 21 F. 299 (C.C.E.D. Ark. 1884) both stand for the proposition that absent a statute, to the contrary, that contracts made on Sunday are valid at common law. See also: **Naylor v. Conroy,** 46 N.J. Super 387, 134 A.2d 785, 67 A.L.R.2d 689 (1957) and **Rodman v. Robinson,** 134 N.C. 503, 47 S.E. 19 (1904).

Alabama has no provision on the validity of Sunday contracts in the Code of Ala. 1975; therefore, the common law is the present law of Alabama as regarding Sunday contracts. Since contracts made on Sunday are valid at common law, then a contract made on Sunday in Alabama is valid under the present laws of our State.

I hope this satisfactorily answers your question. If not, please do not hesitate to contact us.

Very truly yours,

WILLIAM J. BAXLEY
Attorney General

July 12, 1978

Honorable George W. Roy
Mayor, Town of Calera
Calera, Alabama

Municipalities—Ordinances—Utilities

Sewer charge must be levied by ordinance.

Mayor cannot vote on question and then vote again to break tie.

Opinion by Assistant Attorney General Knight.

Dear Mayor Roy:

I am replying to your request for an opinion from the Attorney General as to the following matter.

> In passing a sewer service charge for the Town of Calera, three councilmen voted against the resolution establishing the charge and two councilmen in favor. A double vote by the Mayor was cast deciding the issue. Is a definite vote of the Council required in this case? Should an increase of sewer service charges be adopted by resolution or ordinance?

Code of Alabama 1975, Section 11-50-121 gives a municipality owning a sewer system the authority to establish and collect charges for furnishing sewer service. Because the establishing of these charges is a matter concerning the citizens of the city and is not merely an administrative matter, a definite vote of the council is required.

The Supreme Court of Alabama in **Town of Linden v. American-LaFrance & Foamite Industries,** 232 Ala. 167, 167 So. 548 describes an ordinance or resolution as a permanent nature as being an ordinance which continues in force until it is repealed. On the other hand, the Court said in **Pierce v. City of Huntsville,** 185 Ala. 490, 64 So. 301 that a resolution is enacted to carry out an administrative or judicial function and is effective for only as long as it takes to carry out that purpose. From these definitions we see that the establishment of sewer charges by a municipal council must be an ordinance. The Alabama Supreme Court affirmed this in **Benson v. City of Andalusia,** 240 Ala. 99, 195 So. 443.

It should be called to your attention that the double vote by the mayor was invalid.

Code of Alabama 1975, Section 11-45-2 states that no ordinance or resolution of permanent operation shall become a law in cities of less than 12,000 inhabitants unless on its final passage it is approved by the mayor and three councilmen or four councilmen. **Code of Alabama 1975,** Section 11-43-2 provides that in cities with a population of less than 12,000 that the mayor shall preside over the council and at his discretion he may vote as a member of the council on any question before the council except in the case of a tie in which event he must vote. The Supreme Court of Alabama ruled in **Jones v. Town of Coosada,** 12 ABR 892 (Mar. 10, 1978) that this section limits the mayor to one vote. Thus, he may vote on any question he so desires but if he does vote that first time and that vote causes a tie vote, he cannot

vote again to break the tie. The section merely makes his vote mandatory when there is a tie vote of the council members. Therefore, the resolution establishing the sewer charge is invalid because the mayor voted twice and should be considered again.

If our office can be of further assistance, please do not hesitate to contact us.

Very truly yours,

WILLIAM J. BAXLEY
Attorney General

July 24, 1978

Hon. Charles E. Howard
Tax Collector
Post Office Box 696
Decatur, Alabama 35602

Elections—Counties

State law does not prohibit county political activity by county employees.

Opinion by Assistant Attorney General Smith.

Dear Mr. Howard:

This office is in receipt of your request of July 17, 1978, which presents the following question:

> My question to you is, can the county employees of Morgan County participate in county political activities?

You further state that Morgan County has no civil service rules which are applicable to the question asked.

You are correct in stating that there is no state law which prohibits all county employees from participating in county political activities. You are also correct in stating that under Act 819 of the 1978 Legislature, employees of counties that have local regulations prohibiting political activity are now permitted to participate in city and state political activities.

Since you have indicated that Morgan County has no local rules governing political activity, it is the opinion of this office that county employees may participate in county political activities.

I do hope that this has satisfactorily answered your question. If, however, this office may be of further service please do not hesitate to call on us.

Very truly yours,

WILLIAM J. BAXLEY
Attorney General

July 25, 1978

Mr. Kirtley W. Brown
County Attorney
Perry County Commission
Marion, Alabama 36756

Board of Registrars—Deputy Registrars—Registration Oath

Voter registration applications and oaths can be signed and sworn to before a deputy registrar.

Opinion by Assistant Attorney General Middleton.

Dear Mr. Brown:

This office is in receipt of your request for an Attorney General's opinion regarding the following question:

> "May a County Board of Registrars appoint Deputy Registrars who can legally administer the oath to an applicant applying to register to vote, at various locations in the County other than the County Courthouse?"

The answer to your question is yes. Code of Alabama 1975, §17-4-7 required that a voter registration application must be sworn to before a member of the board. However, this section was specifically repealed in Section 34 of Act No. 584, Regular Session, 1978.

Act No. 584, the new law in this state relating to voter registration, makes clear (see especially Sections 13, 17 and 34) that a board of registrars may appoint deputy registrars to aid it in its performance of its lawful duties, especially the completion of registration forms. Pursuant to Act No. 584, the voter registration application and oath can be duly signed and sworn to by the applicant before a member of the board, **or a deputy of the board.** Of course, the deputy registrar need not conduct his business at the courthouse, indeed, the reason for having a deputy is to make registration more convenient for the potential voter.

I trust this answers your question. If you need any further advice on this matter, please do not hesitate to call.

Sincerely,

WILLIAM J. BAXLEY
Attorney General

September 13, 1978

Mr. David C. Wood
County Commission
P.O. Box 148
Bay Minette, Alabama 36507

Legislation—District Judges

Local act which materially altered amount of expense allowance of district judge from that amount in advertised bill is unconstitutional.

Opinion by Assistant Attorney General Knight.

Dear Mr. Wood:

I am replying to your request for an opinion from the Attorney General concerning the constitutionality of a local act which granted an expense allowance to the district judge of the Twenty-eighth Judicial Circuit. The bill advertised in a local newspaper granted the district judge an expense allowance equal to twenty five percent of his salary to be paid by the county. However, the act when enacted granted the judge an expense allowance equal to ninety percent of the expense allowance paid by Baldwin County to the circuit judges of that circuit. You inquired if the Act was unconstitutional, as it differed from the bill that was advertised.

Your question is to be answered in the affirmative.

Section 106 of the **Constitution of Alabama 1901,** as amended by Amendment 341, requires that bills providing for local laws to be considered by the legislature must be published in a local newspaper or posted in five public places in the county before they are enacted by the Legislature.

The Supreme Court of Alabama has stated that if only a general form or a fair abstract of the proposed act is advertised, the Legislature has the right to shape-up the bill and work out its details. **State ex rel Van Deusen v. Williams,** 143 Ala. 501, 39 So. 276. However, the Court said in **State ex rel Wilkerson v. Allen,** 219 Ala. 590, 123 So. 2d 36 that if the proposed act is published in detailed form rather than general form the ruling in **State ex rel Van Deusen v. Williams,** supra, does not apply. Furthermore, the substance of the proposed act cannot be materially changed or contradicted (**State ex rel Wilkerson v. Allen,** supra) and the essence of the inquiry is whether the change is material. **Calhoun County v. Morgan,** 258 Ala. 352, 62 So. 2d 457.

In a case which is analogous to the question at hand, the Supreme Court ruled that part of a local act unconstitutional which changed the salary to be paid the sheriff from $10,800 annually as was stated in the advertised bill to $12,000 annually which was in the act passed by the Legislature. **Wilkins v. Woolf,** 281 Ala. 693, 208 So. 2d 74. The

Court said that having specifically fixed the salary of the sheriff in the notice the Legislature was bound by the salary limits and could not go beyond those limits without violating Section 106 of the Constitution.

Therefore, it is the opinion of the office in accordance with the rulings of the Supreme Court of Alabama that the act granting an expense allowance to the district judge of the Twenty-eighth Judicial Circuit equal to ninety percent of the expense allowance paid by the county to the circuit judges is in violation of Section 106 of the Constitution and invalid in that the advertised bill stated that the expense allowance was to be equal to twenty-five percent of his salary.

If our office can be of further assistance, please do not hesitate to contact us.

Very truly yours,

WILLIAM J. BAXLEY
Attorney General

September 13, 1978

Honorable R. J. Ozley
Mayor
City of Columbiana
P. O. Box 528
Columbiana, Alabama 35051

Competitive Bids—Contracts—Municipalities

Governmental entities may contract with each other without taking competitive bids.

Opinion by Assistant Attorney General Lawley.

Dear Sir:

This letter is in response to your letter of recent date which asked whether the City of Columbiana may purchase a garbage truck from the City of Gardendale without taking competitive bids. Your question is answered in the affirmative.

This office has ruled on numerous occasions that the competitive bid law governing purchases is not operative whenever the contract in question is between two governmental entities. Therefore, it is my opinion that two municipalities may contract for the purchase and sale of a garbage truck without taking competitive bids.

If this office may be of any further assistance to you in this

matter, please let me know.

Very truly yours,

WILLIAM J. BAXLEY
Attorney General

September 18, 1978

Honorable Hugh Allen
Mayor
City of Demopolis
Post Office Box 580
Demopolis, Alabama 36732

Municipalities—Bids

State Bid Price Sheet discussed.

Opinion by Assistant Attorney General Smith.

Dear Mayor Allen:

This office has received your request of September 13, 1978. Your request presents two questions. The first question reads as follows:

> "1. Would the City of Demopolis need to advertise for bids on a piece of office equipment if the identical piece of equipment is listed at a low bid on the State Bid Price Sheet which was done by competitive bids and the bid sheet included political subdivision of the State of Alabama in the bids?"

Your question is answered in the negative. Under the facts outlined in your question, the City of Demopolis could, without further bidding, purchase the piece of office equipment listed as the low bid on the State Bid Price Sheet.

Your second question is:

> "2. The City of Demopolis is in a position to negotiate a lower price of the identical piece of equipment as listed in the State Bid Sheet. Can the City purchase this equipment at a lower price than the State Bid Price Sheet shows without taking bids on this equipment?"

This question must be answered in the negative. This office has held, in numerous instances, that unless the equipment is purchased at the price on the State Bid Price Sheet, bids must be taken. This ruling must stand even though you state that the City is in a position to negotiate a lower price than the price found on the State Bid Price Sheet.

I do hope that this fully answers your question. If, however, we may be of further service, please do not hesitate to call on us.

Very truly yours,

WILLIAM J. BAXLEY
Attorney General

September 22, 1978

Mr. Guy L. Burns, Commissioner
State Department of Pensions and Security
Administrative Building
64 North Union Street
Montgomery, Alabama 36130

Child Abuse

Sexual Exploitation of Children

Child Abuse Reporting Act, Code of Alabama 1975, §§26-14-1 through 26-14-13.

Opinion by Assistant Attorney General Pettigrew.

Dear Mr. Burns:

Your letter of September 18, 1978, requesting an Attorney General's opinion is as follows:

> "I am requesting your opinion on a question which has been raised about Alabama's statutory definition of child abuse and neglect.
>
> "Specifically the question is as follows: Can the definition of child abuse and neglect as set out in the child abuse reporting statute, **Code of Alabama 1975**, §§26-14-1, et seq., be construed to include the concept of sexual exploitation as defined in Public Law 95-266, approved April 24, 1978, known as the 'Child Abuse Prevention and Treatment and Adoption Reform Act of 1978'?
>
> "This question has been raised by the U.S. Department of Health, Education and Welfare concerning state eligibility for federal funding under the provisions of the federal 'Child Abuse Prevention and Treatment Act,' 42 U.S.C.A., §§5101 through 5106 (1974) as amended by P.L. 95-266, approved April 24, 1978."

In my opinion the concept of "sexual exploitation" as the term is used and defined in P.L. 95-266, §§102(1) and 104(b)(3)(A) is included in the definition of child abuse and neglect as set out in **Code of Ala-**

bama 1975, §26-14-1, when that section of the Alabama child abuse reporting statute is read in **pari materia** with the other sections of the same statute and with related statutes.

Code of Alabama 1975, §26-14-1(1) and (2) defines child abuse and neglect as follows:

> "For the purposes of this chapter, the following terms shall have the meanings respectively ascribed to them by this section:
>
> (1) ABUSE. **Harm or threatened harm to a child's health or welfare.** Harm or threatened harm to a child's health or welfare can occur **through** nonaccidental physical or mental injury, **sexual abuse or attempted sexual abuse.**
>
> (2) NEGLECT. Negligent treatment or maltreatment of a child, including the failure to provide adequate food, medical treatment, clothing or shelter; provided, that a parent or guardian legitimately practicing his religious beliefs who thereby does not provide specified medical treatment for a child, for that reason alone, shall not be considered a negligent parent or guardian; however, such an exception shall not preclude a court from ordering that medical services be provided to the child, where his health requires it." (Emphasis added.)

Code of Alabama 1975, §26-14-2 explicitly states that in providing for the reporting of cases of abuse and neglect of children it is the intent of the legislature to safeguard and enforce the "general welfare of such children." Section 26-14-6 provides that certain designated officials or persons may take a child into protective custody ". . . if the circumstances or conditions of the child are such that continuing in his place of residence or in the care and custody of the parent . . . **presents an imminent danger to that child's life or health.**" (Emphasis added.) Section 26-14-11 provides that an attorney shall be appointed to represent the child in judicial proceedings in every case involving abuse or neglect of a child and further explicitly provides that the attorney "will represent the **rights, interests, welfare and well-being of the child.**" (Emphasis added.)

Thus the Alabama child abuse reporting statute covers harm or threatened harm to a child's health or welfare through sexual abuse or attempted sexual abuse; provides for safeguarding the child's general welfare; provides for removal of the child from surroundings which present an imminent danger to his life or health; and provides for counsel to represent the child's rights, interests, welfare and well-being. In my opinion this language is broad enough to cover harm, threatened harm, imminent danger, etc., by sexual abuse and sexual exploitation as defined in P.L. 95-266, §104(b)(3)(A), as follows:

> "(3) As used in this subsection, the term—

> "(A) 'sexual abuse' includes the obscene or pornographic photographing, filming, or depiction of children for commercial purposes, or the rape, molestation, incest, prostitution, or other such forms of sexual exploitation of children under circumstances which indicate that the child's health or welfare is harmed or threatened thereby, as determined in accordance with regulations prescribed by the Secretary . . ."

With specific regard to obscene or pornographic photographing, filming, or depiction of child for commercial purposes under circumstances which indicate harm or threatened harm to the child's health or welfare, the Alabama child abuse reporting act must be construed in **pari materia** with Alabama Act No. 592, Regular Session 1978, approved April 27, 1978. Section 2 of Act No. 592 makes it a felony for any person to "knowingly disseminate or display publicly any obscene matter displaying or depicting in any way a person under the age of 17 years engaged in or involved in any way in any obscene act of sado-masochistic abuse, sexual intercourse, sexual excitement, masturbation, nudity or other sexual conduct." Section 3 of Act 592 makes it a felony for any person to knowingly possess with intent to disseminate any obscene matter displaying or depicting in any way a person under the age of 17 years engaged in or involved in any of the same acts as enumerated in Section 2. Further Act 592, Section 7, makes it a felony for a parent or guardian to knowingly permit any person under the age of 17 years to engage in the production of any obscene matter displaying or depicting in any way such person under the age of 17 years engaged or involved in the above-described prohibited acts; and Section 8 makes it a felony for any person to knowingly film, print, record, photograph or otherwise produce any obscene matter displaying or depicting in any way a person under 17 years of age engaged or involved in any way in the prohibited behavior. This Act No. 592 is found in the 1978 Cumulative Supplement, **Code of Alabama 1975,** §§13-7-230 through 13-7-238.

The other forms of sexual exploitation of children include in the definition of 'sexual abuse' in P.L. 95-266, §104(b)(3)(A) are rape, molestation, incest, prostitution. All of these forms of sexual exploitation of children are criminal offenses in Alabama, pursuant to the following statutes: **Code of Alabama 1975,** §§13-1-21; 13-1-113; 13-1-132; 13-1-133; 13-1-134; 13-7-1; 13-7-2; 13-7-3; 13-8-3.

See also **Code of Alabama 1975,** §§26-15-1, et seq., which makes it a criminal offense for responsible persons as therein defined to torture, willfully abuse or otherwise willfully maltreat a child under 18 years of age.

It is also a criminal offense for any parent, guardian, or other person to encourage or cause a child to become delinquent. **Code of Alabama 1975,** §12-15-13.

The definition of child abuse and neglect in the Alabama child abuse

reporting act should also be construed in **pari materia** with the following pertinent parts of the definition of a dependent child in Alabama's Juvenile Proceedings statute: **Code of Alabama** 1975, §12-15-1(10)(d), (f), and (g). But see **Roe v. Conn,** 417 F.Supp. 769 (1976).

In summary, it is my opinion that the forms of sexual exploitation of children set out in P.L. 95-266, §104(b)(3)(A) are required to be reported by Alabama's child abuse reporting statute (**Code of Alabama 1975,** §§26-14-1, et seq.) as it is construed in **pari materia** with related statutes. These related statutes make such forms of sexual exploitation criminal offenses. These forms of sexual exploitation of children are therefore required to be reported to insure that the children will receive the protective services provided by the child abuse reporting statute.

Very truly yours,

WILLIAM J. BAXLEY
Attorney General

September 28, 1978

Mr. M. J. Beasley, Jr.
USS Alabama Battleship Commission
P. O. Box 65
Mobile, Alabama 36601

State Employees—Nepotism

State law does not prohibit related persons working in same office but only prohibits state official from appointing relative.

Opinion by Assistant Attorney General Stephens.

Dear Mr. Beasley:

Our state nepotism law is contained in the Code of Alabama 1975, Section 41-1-5. That law states:

> "No officer or employee of the state or of any state department, board, bureau, committee, commission, institution, corporation, authority or other agency of the state shall appoint any person related to him within the fourth degree of affinity or consanguinity to any job, position or office of profit with the state or with any of its agencies. Any person related to the appointing authority within the prohibited degree shall be ineligible to serve in any capacity with the state under authority of such an appointment, and any appointment so attempted shall be void. Whoever violates this section is guilty of a misdemeanor and shall be punished by a fine not to exceed $500.00

or by imprisonment not to exceed one year, or both. This section shall not apply, however, in the case of an appointment of a person to a position in the classified service of the state made from the register of persons eligible as certified by the state director of personnel.

"The provisions of this section shall not apply to any individual or individuals employed as of September 16, 1963, in any branch, department or bureau of the state or the reappointment of any individuals employed on September 16, 1963."

As you can see from the above-quoted section of law our nepotism law only prohibits a state official from appointing a person related to him. It does not prohibit relatives working within the same agency if the appointment is made by someone other than the related person. That is apparently the case in the instance you stated in your letter and, if it is so, then our law does not prohibit that employment.

I hope and trust that this sufficiently answers your questions. If we can be of any further assistance to you, please let us know.

Sincerely,

WILLIAM J. BAXLEY
Attorney General

INFORMAL OPINIONS

During the period July 1, 1978 through September 30, 1978, the Attorney General rendered the following informal opinions.

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	— A —		
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Democratic candidates not listed on Republican absentee ballots—Elections—Municipalities	Delores N. Pritchett	Aug 17	228
Absentee Ballots—Voting	Ruth Gasser	Aug. 3	168
ABSENTEE ELECTION MANAGER			
Court Management—Elections—Absentee Voting—Absentee Election Manager	Allen L. Tapley	July 27	Court Mgt.
ABSENTEE VOTING			
Court Management—Elections—Absentee Voting—Absentee Election Manager	Allen L. Tapley	July 27	Court Mgt.
Court Management—Elections—Absentee Voting—Registers	Allen L. Tapley	July 27	Court Mgt.
Elections—Absentee Voting—Residency	H. O. Williams	Aug. 11	383
AD VALOREM			
Last owner's signature need not appear on assessment sheet—Taxation—Ad Valorem	John L. Napier	July 21	112
Hospitals—Ad Valorem Tax	John F. Greene	Aug. 10	350

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ALABAMA INSTITUTE FOR DEAF AND BLIND			
Ethics Law—Alabama Institute for Deaf and Blind	Howard E. McKenzie	July 5	349
ASSESSMENT			
Last Owner's Signature Need Not Appear on Assessment Sheet—Ad Valorem	John L. Napier	July 21	112
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BAIL BONDS			
Proceeds of Bond Forfeiture Go to State General Fund—Bail Bonds	Gary L. McAliley	Aug. 30	375
BOARDS OF REGISTRARS			
Boards of Registrars—Voting	Ruth Parker	July 6	307
Boards of Registrars—Registration Oath	Kirtley W. Brown	July 25	310
BONDS			
Bonds from another state not accepted—Surface Mining Reclamation Commission	Thomas G. Walker, Jr.	Sept. 11	SMRC
BUILDING COMMISSION			
Building Code for State Buildings—State Building Code Application	John Farris	Sept. 11	303
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CANDIDATES			
County Probation Officer may be candidate—Candidates—Elections	Ronald J. Green	July 20	409

CHAPLAINS			
Board of Corrections—Chaplains	Larry D. Bennett	Sept. 13	Bd. of Corrections
CHILD ABUSE			
Definition of child abuse—Sexual exploitation of children	Guy L. Burns	Sept. 22	Pensions & Security
CIRCUIT CLERKS AND REGISTERS			
Absentee Ballots—Voting	Ruth Gasser	Aug. 3	168
CIVIL SERVICE			
Civil Service tests enforceable in police departments—Municipalities	Charles Thompson	Aug. 29	314
COLLEGES AND UNIVERSITIES			
Fraternity House—Funds	Ralph W. Adams	July 10	249
Russell Ambulatory Center—Within confines of UAB Medical Center	R. Lee Walthall	July 12	251
COMMON LAW			
Contracts made on Sunday valid—Common Law	Fred B. Simpson	July 7	75
COMPENSATION			
State pays $20 per day to members of Board of Registrars—Registrars—Compensation—Counties	Joel M. Folmar	Aug. 25	363
COMPETITIVE BID LAW			
Governmental entities may contract with each other—Competitive Bid Law—Contracts	R. J. Ozley	Sept. 13	354

Subject	Addressee	Date	File
Negotiation for lesser cost within 10% of base bid valid—Contracts—Competitive Bid Law	W. Byron Causey	Aug. 28	371
Schools—Construction Contract	Gene J. Watson	Aug. 9	389
Contract comply with Bid Law—Counties—Contracts	Maury Friedlander	Sept. 11	125
State Bid Price Sheet—Competitive Bid Law	Hugh Allen	Sept. 18	32
CONFLICT OF INTEREST			
City may pay for repair to city vehicles by Mayor's dealership—Municipal Corporations—Officers and Offices—Conflict of Interest	E. Charles Ogden	July 28	419
Conflicts of Interest—Zoning	Donald R. Morrison, Sr.	Aug. 30	368
City cannot borrow money from Council members—Municipalities—Conflicts of interest	Janet Nelson	July 5	287
CONSERVATION DEPARTMENT			
Conservation Department—Contracts	John W. Hodnett	July 10	Conservation Dept.
CONTRACTS			
Schools—Construction Contract	Gene J. Watson	Aug. 9	389
Governmental entities may contract with each other—Competitive Bid Law—Contracts	R. J. Ozley	Sept. 13	354

Negotiation for lesser cost within 10% of base bid valid—Contracts—Competitive Bid Law	W. Byron Causey	Aug. 28	371
Advertising contracts must be processed through Finance Department—Publicity and Information—Contracts	Douglas O. Benton	July 19	286
Conservation Department—Contracts	John W. Hodnett	July 10	Conservation Dept.
Contract comply with Bid Law—Counties—Contracts	Maury Friedlander	Sept. 11	125
CORRECTIONS, BOARD OF			
Board of Corrections—Chaplains	Larry D. Bennett	Sept. 13	Bd. of Corrections
COSTS AND FEES			
Court Management—Costs and Fees—Fines and Forfeitures	Allen L. Tapley	July 17	Court Mgt.
Court Management—Costs and Fees—Judicial Article	Allen L. Tapley	Aug. 4	Court Mgt.
COUNCILMEMBERS			
Council elected same day as Mayor—Elections	Emory Folmar	July 31	21
COUNTIES			
State pays $20 per day to member of Board of Registrars—Registrars—Compensation	Joel M. Folmar	Aug. 25	363
Community action agency may receive federal grant—Non-Profit Agency—Funds	Nimrod Q. Reynolds	Aug. 9	348

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Counties—Health	Donald B. Sweeney, Jr.	Aug. 2	387
Municipalities—Counties—Health	John A. Brown	Aug. 29	385
District Attorneys—Salaries	Mike Moebes	Sept. 26	270
Establishment of license division—Data processing of tags	Grady Perry	Aug. 7	308
Staffing of food stamp office—Pensions and Security	Guy L. Burns	Aug. 18	Pensions & Security
Pistol permit fees—Sheriffs	Robert H. Johnston	Sept. 25	163
Approval of plats and maps—County Engineer—Probate Judge	John L. Moore	July 6	148
Contract comply with Bid Law—Counties—Contracts	Maury Friedlander	Sept. 11	125
Registrars meet 120 days—Counties—Registrars	Mrs. James Mulkey	July 21	269
County employees not prohibited from political activity—Elections	Charles E. Howard	July 24	178
License Commission employees—Merit System	Walter J. Merrill	July 25	30
COUNTY ENGINEER			
Approval of plats and maps—County Engineer—Probate Judge	John L. Moore	July 6	148
COURT MANAGEMENT, DEPARTMENT OF			
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Court Management—Costs and Fees—Fines and Forfeitures	Allen L. Tapley	July 17	Court Mgt.

Court Management—Elections—Absentee Voting—Registers	Allen L. Tapley	July 27	Court Mgt.
Court Management—Elections—Absentee Voting—Absentee Election Manager	Allen L. Tapley	July 27	Court Mgt.

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DEEDS

Exchange of deeds—Filing Tax—Judges of Probate	R. J. Stembridge	Aug. 25	199

DELINQUENT CHILD

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Boards of Registrars—Registration Oath	Kirtley Brown	July 25	310

DETENTION CARE

Juvenile Proceedings—Child in need of Supervision—Detention Care— Rules of Juvenile Procedure	Harry C. Smith	July 24	277

DISQUALIFICATION FROM VOTING

Boards of Registrars—Voting	Ruth Parker	July 6	307

DISTRICT ATTORNEYS

District Attorneys—Salaries	Mike Moebes	Sept. 26	270

DISTRICT JUDGES

Unadvertised local act altering expense allowance of district judge is unconstitutional—Legislation—District Judges—Expenses	David C. Wood	Sept. 13	356

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County School Trustees—Authority	Robert J. Hall	Aug. 1	347
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Schools—Construction Contracts	Gene J. Watson	Aug. 9	389
Elections—Absentee Voting—Residency	H. O. Williams	Aug. 11	383
Elections—Polling places—Voting	M. S. Butler	Sept. 26	401
ELECTIONS			
Council elected same day as Mayor—Elections	Emory Folmar	July 31	21
City Employee—Political Activity	Steve Means	July 27	250
Court Management—Elections—Absentee Voting—Absentee Election Manager	Allen L. Tapley	July 27	Court Mgt.
Court Management—Elections—Absentee Voting—Registers	Allen L. Tapley	July 27	Court Mgt.
County Probation Officer may be Candidate—Candidates—Elections	Ronald J. Green	July 20	409
Democratic candidates not listed on Republican Absentee Ballots—Elections—Municipalities	Delores N. Pritchett	Aug. 17	228
County employees not prohibited from political activity—Elections	Charles E. Howard	July 24	178
Exclusion of precinct 11 from District 6—Elections—Voting Rights	Bobby Day	Aug. 9	47
EMPLOYERS, EMPLOYEES			
University may employ counsel—	Robert L. Glynn	Aug. 16	372

Trustees—Employees and Employers			
Law Enforcement Officers—Judgments	Wade Baxley	July 6	130
City Employee—Political Activity	Steve Means	July 17	250
County employees not prohibited from political activity—Elections	Charles E. Howard	July 24	178
ETHICS			
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EXCHANGE OF LAND			
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EXPENSES			
Expense allowance may not be considered in computing retirement benefits—Expenses—Retirement	R. Leigh Pegues	Aug. 21	369
Sheriffs—Expenses	Bettye Frink	Sept. 18	Auditor
Firefighters Personnel Standards and Education Commission—Travel Expenses	Price Robinson	Sept. 21	Firefighters
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FEES			
Pistol permit fees—Sheriffs	Robert H. Johnston	Sept. 25	163
Fire Districts—Municipalities—Fees	Claud E. McCoy	Aug. 22	243
FILING TAX			
Exchange of deeds—Filing Tax—Judges of Probate	R. J. Stembridge	Aug. 25	199
Mortgage privilege tax—Filing tax—	R. J. Stembridge	Aug. 10	199

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Fire Districts—Municipalities	Claud E. McCoy	Aug. 22	243
FIREFIGHTERS			
Firefighters Personnel Standards and Education Commission—Travel Expenses	Price Robinson	Sept. 21	Firefighters
Firefighters—Minimum Standards	Price Robinson	Sept. 18	Firefighters
FOOD STAMPS			
Staffing of food stamp officers—Pensions and Security	Guy L. Burns	Aug. 18	Pensions & Security
FUNDS			
Municipalities—Counties—Health	John A. Brown	Aug. 29	385
Community action agency may receive federal grant—Non-profit Agency—Funds	Nimrod W. Reynolds	Aug. 9	348
Fraternity House—Funds	Ralph W. Adams	July 10	249
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HEALTH SERVICES			
Russell Ambulatory Center—Within Confines of the Medical Center of UAB	R. Lee Walthall	July 12	251

HEALTH			
Governing bodies may appropriate funds to Health Systems—Municipalities—Counties—Health—Funds	John A. Brown	Aug. 29	385
HEALTH DEPARTMENT			
May not phase in three year license program—Health	Ira L. Myers	July 19	Health Dept.
Counties—Health—Sewage Disposal Systems	Donald B. Sweeney, Jr.	Aug. 2	387
HOSPITALS			
Hospitals—Ad Valorem Tax	John F. Greene	Aug. 10	350
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JUDICIAL ARTICLE			
Salary of district judge may be increased during term—Salaries—Judicial Officers—Judicial Article	David C. Wood	July 6	356
Court Management—Costs and Fees—Judicial Article	Allen L. Tapley	Aug. 4	Court Mgt.
JUDICIAL OFFICERS			
Salary of district judge may be increased during term—Salaries—Judicial Officers--Judicial Article	David C. Wood	July 6	356
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Board of Registrars required to make a list of voters available to County Jury Commission—Juries—Board of Registrars	Ruth Parker	July 24	388
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Law Enforcement Officers—Judgments	Wade Baxley	July 6	130
Search of artificial limb lawful—Search and Seizure	W. D. Cunningham, Sr.	Aug. 29	313
Civil service tests enforceable in police departments—Municipalities	Charles Thompson	Aug. 29	314
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Merchant cannot inspect tax records of another merchant—Municipalities—Licenses and Permits	Roy W. Owens	July 14	283
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Assessment of Ad Valorem Tax of used motor vehicle—License Tags	W. P. (Ted) Farrar	Sept. 7	298

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MAYORS			
Council elected same day as Mayor—Elections	Emory Folmar	July 31	21
MERIT SYSTEMS			
License Commission employees—Merit System	Walter J. Merrill	July 25	30
MINIMUM STANDARDS			
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Mortgage privilege tax—Filing tax—Judges of Probate	R. J. Stembridge	Aug. 10	199
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City may pay for repair to city vehicles by Mayor's dealership—Municipal Corporations—Officers and Offices—Conflict of Interest	E. Charles Ogden	July 28	419
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Law Enforcement Officers—Judgments	Wade Baxley	July 6	130
City employee—Political Activity	Steve Means	July 17	250
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Council may increase number of Water Board members—Press have access to minutes of meeting—Municipalities	Mixon Jones	Aug. 3	248
Fire Districts—Municipalities—Fees	Claud E. McCoy	Aug. 22	243
Democratic candidates not listed on Republican absentee ballots—Elections—Municipalities	Delores N. Pritchett	Aug. 17	228
Council elected same day as Mayor—Elections	Emory Folmar	July 31	21
State Bid Price Sheet—Bid Law	Hugh Allen	Sept. 18	32
Merchant cannot inspect tax records of another merchant—Municipalities—Licenses and Permits	Roy W. Owens	July 14	283

City cannot borrow money from council members—Municipalities—Conflicts of Interest	Janet Nelson	July 5	287
Councilman receiving salary and expenses may not also receive expenses from fire department—Municipalities	William M. Flippo	Sept. 6	299
Exchange of real estate by city ordinance—Municipalities	Philip L. Green	Sept. 13	301
Civil service tests enforceable in police departments—Municipalities	Charles Thompson	Aug. 29	314
City may lease private property—Municipalities—Leases	Maurice C. West	Aug. 15	346
Governing bodies may appropriate funds to Health Systems—Municipalities—Counties—Health—Funds	John A. Brown	Aug. 29	385
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Town may install speed breakers—Municipalities—Traffic	Hugh D. Farris	July 24	395
Governmental entities may contract with each other—Competitive Bid Law—Contracts	R. J. Ozley	Sept. 13	354

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NEPOTISM

Relative may work in same office—State Employees—Nepotism	M. J. Beasley, Jr.	Sept. 28	332

NON-PROFIT ORGANIZATIONS

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City may pay for repair to city vehicles by Mayor's dealership—Municipal Corporations—Officers and Offices—Conflicts of Interest	E. Charles Ogden	July 28	419
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Sewer charge levied by ordinance—Municipalities—Utilities	George W. Roy	July 12	176
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PENSIONS AND SECURITY			
Definition of child abuse—Sexual exploitation of children	Guy L. Burns	Sept. 22	Pensions & Security
Staffing of food stamp office—Pensions and Security	Guy L. Burns	Aug. 18	Pensions & Security
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Approval of plats and maps—County Engineer—Probate Judge	John L. Moore	July 6	148
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Federal instrumentalities mortgages not subject to privilege tax—Filing Tax—Mortgages—Judges of Probate	O. H. Florence	July 11	386
PUBLICITY AND INFORMATION			
Advertising contracts must be processed through Finance Department—Publicity and Information—Contracts	Douglas O. Benton	July 19	286
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REGISTERS			
Court Management—Elections—Absentee Voting—Registers	Allen L. Tapley	July 27	Court Mgt.
REGISTRARS			
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State pays $20 per day to members of Board of Registrars—Compensation—Counties	Joel M. Folmar	Aug. 25	363
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Expense allowance may not be considered in computing retirement benefits—Expenses—Retirement	R. Leigh Pegues	Aug. 21	369
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Establishment of license division—Data processing of tags	Grady Perry	Aug. 7	308
Salary of district judge may be increased during term—Salaries—Judicial—Officers—Judicial Article	David C. Wood	July 6	356
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Search of artificial limb lawful—Search and Seizure	W. D. Cunningham, Sr.	Aug. 29	313
SEWAGE SYSTEMS			
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Definition of child abuse—Sexual exploitation of children	Guy L. Burns	Sept. 22	Pensions & Security
SHERIFFS			
Sheriffs—Expenses	Bettye Frink	Sept. 18	Auditor
Pistol permit fees—Sheriffs	Robert H. Johnston	Sept. 25	163
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Merchant cannot inspect tax records of another merchant—Municipalities—Licenses and Permits	Roy W. Owens	July 14	283
Assessment of Ad Valorem Tax of used motor vehicle—License Tags	W. P. (Ted) Farrar	Sept. 7	298
Hospitals—Ad Valorem Tax	John F. Greene	Aug. 10	350
TEACHERS RETIREMENT			
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TRAFFIC			
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UTILITIES			
Sewer charge levied by ordinance—Municipalities—Utilities	George W. Roy	July 12	176
Council may increase number of Water Board members—Press have access to minutes of meeting—Municipalities	Mixon Jones	Aug. 3	248
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VOTING			
Absentee Ballots—Voting	Ruth Gasser	Aug. 3	168
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Definition of "within 30 feet of polling place."—Elections—Polling places—Voting	M. S. Butler	Sept. 26	401
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